

**** E-filed August 4, 2009 ****

COOLEY GODWARD KRONISH LLP
STEVEN L. FRIEDLANDER (154146) (friedlanders@cooley.com)
BENJAMIN KLEINE (257225) (bkleine@cooley.com)
LAURA A. TERLOUW (260708) (lterlouw@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

ATTORNEYS FOR DEFENDANTS
SYMYX TECHNOLOGIES, INC. AND ELSEVIER INC.

LEVINE & BAKER LLP
RICHARD E. LEVINE (88729) (rlevine@levinebakerlaw.com)
One Maritime Plaza, Suite 400
San Francisco, CA 94111
Telephone: (415) 391-8177
Facsimile: (415) 391-8488

ATTORNEYS FOR PLAINTIFFS
ROBERT OLSZEWSKI, SARA BERTSCH, JACQUELINE MACIA, PHILIP
McHALE, AND RUSSELL BLACKADAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT OLSZEWSKI, SARA BERTSCH,
JACQUELINE MACIA, PHILIP McHALE,
and RUSSELL BLACKADAR, individuals,

Plaintiffs,

v.

SYMYX TECHNOLOGIES, INC., and
ELSEVIER, INC.,
Corporations,

Defendants.

Civil Action No. CV 08 3657 HRL

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CMC**

Pursuant to United States District Court for the Northern District of California Civil L.R.
6-2(a), plaintiffs Robert Olszewski, Sara Bertsch, Jacqueline Macia, Philip McHale, and Russell
Blackadar (collectively, "Plaintiffs") and defendants Symyx Technologies, Inc. ("Symyx") and
Elsevier Inc. ("Elsevier" and collectively with Symyx, "Defendants"), by and through their
respective counsel, hereby submit the following joint stipulation:

1.

**STIPULATION (AND ~~PROPOSED~~ ORDER)
TO CONTINUE CMC
CV 08 3657 HRL**

1 Pursuant to the Court's June 24, 2009 order, the case management conference in
2 this case is currently scheduled for August 11, 2009.

3 2. On July 8, 2009, pursuant to the Court's June 24, 2009 order, Plaintiffs filed a
4 Second Amended Complaint.

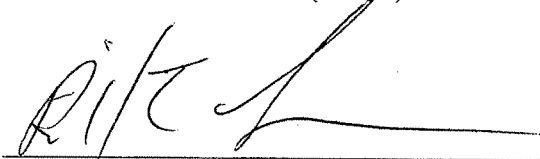
5 3. Defendants filed motions to dismiss Plaintiffs' Second Amended Complaint on
6 July 27, 2009.

7 4. Counsel for plaintiffs and defendants agree that having a ruling from the Court on
8 the motions to dismiss will greatly inform (a) the parties' discussions of the scope and timing of
9 discovery pursuant to Rule 26(f), (b) the preparation of the parties' Rule 26(f) report, and (c) the
10 discussions to be had with the Court at the case management conference.

11 Therefore, the parties hereby request and stipulate that the Court continue the case
12 management conference until a date that is six weeks after the Court's decision on defendants'
13 motions to dismiss the Second Amended Complaint.

14 **IT IS SO STIPULATED:**

15 LEVINE & BAKER LLP
16 RICHARD E. LEVINE (88729)

17 

18 RICHARD E. LEVINE (88729)
19 ATTORNEYS FOR PLAINTIFFS
20 ROBERT OLSZEWSKI, SARA BERTSCH,
21 JACQUELINE MACIA, PHILIP MCHALE, AND
22 RUSSELL BLACKADAR

23 Dated: July 31, 2009

COOLEY GODWARD KRONISH LLP
STEVEN L. FRIEDLANDER (154146)
BENJAMIN KLEINE (257225)
LAURA A. TERLOUW (260708)

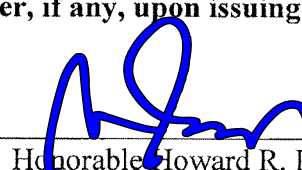
24 

25 STEVEN L. FRIEDLANDER (154146)
26 ATTORNEYS FOR DEFENDANTS
27 SYMYX TECHNOLOGIES, INC. AND ELSEVIER INC.

Dated: July 31, 2009

28 **IT IS SO ORDERED. The Court will issue an order scheduling the continued case
management conference date in this matter, if any, upon issuing its written ruling on
defendants' motions to dismiss.**

Dated: August 4, 2009


Honorable Howard R. Lloyd
United States District Court Magistrate Judge